



National Aeronautics and
Space Administration

Principal Center for Regulatory Risk Analysis and Communication

Regulatory Tracking Summary

31 July 2009

This report summarizes regulatory items reviewed by the NASA RRAC PC. Items that appeared to have limited interest to the NASA community, or are provided for information only, are shown in light gray text. Notes and comments by the RRAC PC are shown in bold, blue text under "Description." Related documents and citations, such as "71 FR 51967," are linked to the appropriate document for quick access. Suggested follow-up actions are noted with significant items; users are advised that other follow-up actions may be appropriate for their program or facility.

Previous issues of this regulatory summary are archived on the RRAC PC website at <http://www.rracpc.org>. Comments, questions, suggestions, and requests for further information should be directed to the RRAC PC Manager, Sharon Scroggins at 256-544-7932 (sharon.scroggins@nasa.gov).

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Acronyms

ADEM = Alabama Department of Environmental Management
CAA = Clean Air Act
CAS = Chemical Abstract Service
CCAFS = Cape Canaveral Air Force Station
CCR = *California Code of Regulations*
CFR = *Code of Federal Regulations*
CHTG = California Halibut Trawl Grounds
COMAR = *Code of Maryland Regulations*
CRNR = California Regulatory Notice Register
EPA = U.S. Environmental Protection Agency
EU = European Union
FAA = Federal Aviation Administration
FAW = Florida Administrative Weekly
FDEP = Florida Department of Environmental Protection
FR = *Federal Register*
GHG = Greenhouse gas
HAP = Hazardous air pollutant
HGB = Houston-Galveston-Brazoria
Md.R. = *Maryland Register*
MOU = Memorandum of Understanding
NAAQS = National Ambient Air Quality Standards
NASA = National Aeronautics and Space Administration
NMAC = New Mexico Administrative Code
NOx = Nitrogen oxides
NSR = New Source Review
O₃ = Ozone
OEPA = Ohio Environmental Protection Agency

PHG = Public health goal
PSD = Prevention of significant deterioration
RIN = Regulatory Identification Number
RRAC PC = Principal Center for Regulatory Risk Analysis and Communication
SIP = State Implementation Plan
SJRWMD = St. Johns River Water Management District
SJVUAPCD = San Joaquin Valley Unified Air Pollution Control District
SO₂ = Sulfur dioxide
TAC = Texas Administrative Code
TCEQ = Texas Commission on Environmental Quality
TMDL = Total maximum daily load
TSCA = Toxic Substances Control Act
UAC = Utah Administrative Code
UDAQ = Utah Division of Air Quality
U.S. = United States
USDA = U.S. Department of Agriculture
UST = Underground storage tank
Va.R. = *Virginia Register*
VAC = Virginia Administrative Code
VOC = Volatile organic compound
VPDES = Virginia Pollutant Discharge Elimination System
WCI = Western Climate Initiative
WSTF = White Sands Test Facility

1.0 U.S. Federal Regulatory Review

1.1 Federal Register Summary

This summary includes FR items that were reviewed for potential impacts to NASA Centers and Programs.

| RRAC PC Tracking Number | Subject | Date | Citation | Type Action | Description | Suggested Actions |
|-------------------------|---------------------------------|------------|-----------------------------|---------------|---|-------------------|
| FED07312009-1 | Biobased Products | 07/31/2009 | 74 FR 38295 | Proposed Rule | U.S. Department of Agriculture Voluntary Labeling Program for Biobased Products [7 CFR Part 2904] Proposes to establish a voluntary labeling program for biobased products. Under the proposed program, a biobased product could be marketed using the "USDA Certified Biobased Product" label after being certified by USDA. The presence of the label will mean that the product meets USDA standards for biobased content and that the manufacturer or vendor has provided relevant information about the product for the USDA BioPreferred Web site . Proposes two versions of the label, one for biobased products that have been designated for federal preferred procurement because they are within a designated item, and another for those products that are not within a designated item. Comments due 09/29/2009. [RIN 0503-AA35] | |
| FED07312009-2 | CAA NAAQS—Ambient Monitoring | 07/31/2009 | 74 FR 38184 | Notice | Office of Research and Development; Ambient Air Monitoring Reference and Equivalent Methods: Designation of One New Reference Method and Two New Equivalent Methods Designates one new reference method for measuring concentrations of NO _x in the ambient air and two new equivalent methods, one for measuring concentrations of O ₃ in the ambient air and one for measuring concentrations of SO ₂ in the ambient air. | |
| FED07312009-3 | CAA NAAQS—SO ₂ | 07/29/2009 | 74 FR 37705 | Notice | Final Risk and Exposure Assessment Report for Sulfur Dioxide Notice of availability of a final report, Risk and Exposure Assessment to Support the Review of the SO₂ Primary National Ambient Air Quality Standard: Final Report . The report presents the approaches taken to assess exposures to ambient SO ₂ and to characterize associated health risks, and presents the results of those assessments. Also contains a staff policy assessment regarding the adequacy of the current SO ₂ NAAQS and potential alternative primary SO ₂ standards. | |

| RRAC PC Tracking Number | Subject | Date | Citation | Type Action | Description | Suggested Actions |
|-------------------------|---|------------|-----------------------------|---------------|--|-------------------|
| FED07312009-4 | CAA Ozone Depleting Substances Methyl Bromide | 07/21/2009 | 74 FR 35868 | Notice | Protection of Stratospheric Ozone: Extension to Deadline for Critical Use Exemption Applications for 2012 Extends the deadline for Critical Use Exemption Applications for 2012 74 FR 23705, 05/20/2009) for methyl bromide from 07/20/2009 to 08/24/2009. | |
| FED07312009-5 | CAA PM2.5 Grandfathering Under PSD | 07/23/2009 | 74 FR 36427 | Proposed Rule | Implementation of the NSR Program for PM2.5; Proposal To Extend Administrative Stay [40 CFR Part 52] Proposes to extend the existing administrative stay of the PM2.5 "grandfathering" provision under the federal PSD program. The grandfathering provision allows the permitting authority to review PSD permit applications received before 07/15/2008 according to EPA's 1997 policy of satisfying the requirements for PM10 as a surrogate for meeting the new requirements for PM2.5. The existing stay is in effect from 06/01/2009 to 09/01/2009, and the proposed rule would extend it to 06/01/2010. Comments due 08/24/2009. Public hearing to be held 08/07/2009 if requested by 08/03/2009. [RIN 2060-AP65] | |
| FED07312009-6 | Energy Waste Energy Recovery Registry | 07/23/2009 | 74 FR 36430 | Proposed Rule | Waste Energy Recovery Registry [40 CFR Part 1200] Proposes to establish the criteria for including sources or sites in a Registry of Recoverable Waste Energy Sources. Also proposes the electronic survey processes that will be used to collect data and calculate the quantity and quality of potentially recoverable waste energy. Would apply to major industrial and large commercial sources as defined in the rule. Would not require the installation of new monitoring equipment; would require only that sources above certain threshold levels that wish to be included in the Registry enter specific already-monitored data points into the voluntary survey. The purposes of the Survey and Registry are to accomplish the following: <ul style="list-style-type: none"> ▪ Provide a list of the economically feasible existing waste energy recovery opportunities in the U.S. ▪ Provide state and national totals of the existing waste energy recovery opportunities, as well as the potential criteria pollutant and GHG emissions reductions that could be achieved with the capture and use of the waste energy ▪ Serve as the basis for potential waste energy recovery projects to qualify for financial and regulatory incentives Comments due 09/21/2009. [RIN 2060--AP14] | |

| RRAC PC Tracking Number | Subject | Date | Citation | Type Action | Description | Suggested Actions |
|-------------------------|----------------------------------|------------|-----------------------------|-------------|--|-------------------|
| FED07312009-7 | EPA Environmental Measurement | 07/22/2009 | 74 FR 36198 | Notice | <p>Flexible Approaches to Environmental Measurement--The Evolution of the Performance Approach</p> <p>Notice to provide the public with an up-to-date communication about EPA's progress to Flexible Measurement--The Evolution of the Performance Approach. Introduces principles that reflect flexible approaches to environmental measurement. Key goals this approach are as follows:</p> <ul style="list-style-type: none"> ▪ Increased emphasis on flexibility when choosing sampling and analytical approaches to meet regulatory requirements for measurements ▪ Developing processes for validation to confirm measurements meet quality requirements ▪ Increased collaboration with stakeholders to develop validation processes for new measurement technology ▪ Timely assessment of new or modified technologies, methods, and procedures | |
| FED07312009-8 | FAA Amateur Rockets | 07/31/2009 | 74 FR 38092 | Final Rule | <p>Technical Amendments Concerning Amateur Rocket Activities</p> <p>Incorporates several editorial changes to the amateur rocket regulations. The words "unmanned rockets" are revised to "amateur rockets" throughout the regulation. In addition, the rule updates operating limitations for Class 2--High Power Rockets and Class 3--Advanced High Power Rockets.</p> | |
| FED07312009-9 | Nanoscale Materials | 07/31/2009 | 74 FR 38188 | Notice | <p>Nanomaterial Case Studies: Nanoscale Titanium Dioxide in Water Treatment and Topical Sunscreen</p> <p>Announces a public comment period for the draft document titled, "Nanomaterial Case Studies: Nanoscale Titanium Dioxide in Water Treatment and Topical Sunscreen." Document is intended to serve as a foundation for creating a long-term research strategy to provide the information needed for comprehensive environmental assessments of selected nanomaterials. Comments due 09/14/2009.</p> | |

| RRAC PC Tracking Number | Subject | Date | Citation | Type Action | Description | Suggested Actions |
|-------------------------|---|------------|-----------------------------|---------------------|--|--------------------------|
| FED07312009-10 | Railroad Positive Train Control Systems | 07/21/2009 | 74 FR 35949 | Proposed Rulemaking | Federal Railroad Administration Positive Train Control Systems [49 CFR Parts 229, 234, 235, and 236] Notice of proposed rulemaking for regulations requiring that certain passenger and freight railroads install positive train control systems. Includes proposed requirements of the technology, and how it would be certified. Describes contents of positive train control implementation plans and the proposed process for submission, review, and approval of the plans. Proposed regulations also could be voluntarily complied with by entities not mandated to install positive train control systems. Comments due 08/20/2009. [RIN 2130-AC03] | |
| FED07312009-11 | Railroad Positive Train Control Systems | 07/22/2009 | 74 FR 36152 | Notice | Federal Railroad Administration Positive Train Control Systems [49 CFR Parts 229, 234, 235, and 236] Announces a public hearing about the proposed rulemaking regarding Positive Train Control Systems (74 FR 35949 , 07/21/2009). Hearing to be held 08/13/2009 in Washington, DC. [RIN 2130-AC03] | |
| FED07312009-12 | Restricted Areas CCAFS | 07/23/2009 | 74 FR 36400 | Final Rule | U.S. Army Corps of Engineers Restricted Areas at Cape Canaveral Air Force Station, Patrick AFB, FL [33 CFR Part 334] Amends restricted area regulations to enlarge an existing restricted area in the Banana River and to establish a new restricted area in the Atlantic Ocean for CCAFS. Also removes an existing restricted area in the Banana River at CCAFS. Effective 08/24/2009. | May affect NASA programs |
| FED07312009-13 | Toxic Substances Toxicological Profile— Perfluoroalkyls | 07/23/2009 | 74 FR 36492 | Notice | Agency for Toxic Substances and Disease Registry Availability of Draft Toxicological Profile for Perfluoroalkyls Announces the availability of the draft toxicological profile for perfluoroalkyls. Comments due 10/30/2009. | |

| RRAC PC Tracking Number | Subject | Date | Citation | Type Action | Description | Suggested Actions |
|-------------------------|--|------------|-----------------------------|-------------|--|-------------------|
| FED07312009-14 | Toxic Substances Toxicological Profiles | 07/23/2009 | 74 FR 36493 | Notice | <p>Agency for Toxic Substances and Disease Registry</p> <p>Notice of Development of Set 23 Toxicological Profiles</p> <p>Announces the development of Set 23 Toxicological Profiles. Consists of the following three new drafts and two updated drafts:</p> <ul style="list-style-type: none"> ▪ Acrylamide, CAS No. 79-06-1 (new profile) ▪ Carbon Monoxide, CAS No. 630-08-0 (new profile) ▪ 1,3-Butadiene, CAS No. 106-99-0 (updated) ▪ Phosphate Ester Flame Retardants, CAS Nos. 126-73-8, 126-71-6, 78-51-3, 115-86-6, 13674-84-5, 13674-87-8, and 115-96-8 (new profile) ▪ Vanadium, CAS No. 7440-62-2 (updated) <p>Profiles will be available on or about 10/17/2009.</p> | |
| FED07312009-15 | TSCA 1,2-Ethylene Dichloride | 07/22/2009 | 74 FR 36196 | Notice | <p>1,2-Ethylene Dichloride; Completion of EPA Program Review</p> <p>Announces completion of the program review component of the testing program for 1,2-ethylene dichloride. The testing program was designed to satisfy the toxicological data needs for 1,2-ethylene dichloride identified in a proposed test rule for a number of HAPs. Notice includes findings and a conclusion regarding the results of this phase of the testing program, responds to comments on the Tier I Program Review Testing, and establishes revised deadlines for completion of the Tier II testing and modeling.</p> | |
| FED07312009-16 | TSCA Chemical Substance Inventory | 07/28/2009 | 74 FR 37224 | Notice | <p>TSCA Chemical Substance Inventory Update; Changing Certain Chemical Substance Identities from Confidential to Non-Confidential</p> <p>Notice that the TSCA Chemical Substance Inventory Master File has been updated to list 530 chemical substances as non-confidential that previously were listed as confidential. More information about the TSCA Chemical Substance Inventory is available on EPA's website. Effective 07/22/2009.</p> | |

| RRAC PC Tracking Number | Subject | Date | Citation | Type Action | Description | Suggested Actions |
|-------------------------|-------------------|------------|-----------------------------|-------------|--|-------------------|
| FED07312009-17 | TSCA Siloxanes | 07/30/2009 | 74 FR 38013 | Notice | Product Stewardship Program for Six Siloxanes Conducted Under a Memorandum of Understanding (MOU) Signed by EPA and The Dow Corning Corporation; Notice of Receipt and Availability of the MOU Data Announces the receipt of toxicity and exposure data and information that were developed through a Product Stewardship Program. The data and information concern six siloxanes deemed representative of a broad class of siloxanes that have widespread use in a variety of industrial and consumer applications. | |
| FED07312009-18 | Vehicles | 07/29/2009 | 74 FR 37877 | Notice | National Highway Traffic Safety Administration Requirements and Procedures for Consumer Assistance To Recycle and Save Program [49 CFR Parts 512 and 599] Sets requirements and procedures for the voluntary vehicle trade-in and purchase/lease program under the Consumer Assistance to Recycle and Save Act of 2009. This program helps consumers pay for a new, more fuel-efficient cars or trucks from participating dealers when they trade in less fuel-efficient cars or trucks. Effective 07/29/2009. Petitions for reconsideration due 09/14/2009. [RIN 2127-AK53] | |

1.2 Other News and Developments

1.2.1 European Union Decision: Restrictions on the Marketing and Use of Organostannic Compounds

The European Commission has amended Annex I of the 1976 Directive on marketing restrictions for dangerous substances and preparations as published in the [EU Official Journal](#) on 6 June 2009. Tri-substituted organostannic compounds such as tributyltin and triphenyltin compounds cannot be used after 1 July 2010 in articles where the concentration in the article, or part thereof, is greater than the equivalent of 0.1 percent by weight of tin. Articles not complying with the ban cannot be placed on the market after this date, except for articles already in use in the EU before the deadline. Similar bans will be introduced for dibutyltin compounds in mixtures and articles, and for dioctyltin compounds in certain articles, after 1 January 2012.

1.2.2 EPA to Reconsider Monitoring Requirements for Airborne Lead

[EPA](#) is reconsidering some of its lead air pollution monitoring requirements. The current rule requires air quality monitoring in areas where any industry emits at least 1 ton of lead to the air each year, and in the 101 urban areas with populations of 500,000 or more. As part

of this action, EPA will consider whether additional monitoring near industrial sources of lead is warranted. EPA also will reconsider the monitoring requirements for urban areas as part of its review. EPA is not reconsidering the lead NAAQS.

The reconsideration will not delay implementation of the 2008 lead NAAQS. EPA will issue a proposal and take public comment before deciding whether to revise the lead monitoring requirements. The agency anticipates issuing a proposal for public review and comment later this summer, and a final rule in early spring 2010.

1.3 Regulatory Communication Working Group Updates

Regulatory Communication Working Group Calls in 2009 will be held on the following Wednesdays at 12pm CT:

- 19 August
- 2 September
- 16 September
- 7 October
- 21 October
- 4 November
- 18 November
- 2 December

2.0 State Regulatory Reviews

The following sections provide details of the regulatory actions reviewed for selected states in which NASA facilities and related operations are located.

2.1 Alabama State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Alabama

| Tracking Number | Subject | Date Published | Ref. Page | Type Action | Description | Suggested Actions |
|-----------------|---------|----------------|------------------------------------|-------------------|---|-------------------|
| AL07312009-1 | USTs | 07/26/2009 | Public Hearing 215 | Notice Hearing | 335-ADEM 6–Water Quality Program 15–Technical Standards, Corrective Action Requirements, and Financial Responsibility for Owners and Operators of Underground Storage Tanks Proposes to revise the division 335-6 Code to provide updated regulations to meet requirements of the Operator Training Provisions of the Federal Energy Policy Act of 2005, to revise certification requirements for cathodic protection testers, and other necessary updates. The public hearing will be held 09/11/2009 at ADEM, Montgomery, Alabama. | |

2.2 California State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in California. Citations of the [CRNR](#) are linked to the appropriate volume of the Register, which is published in Adobe Acrobat (pdf) file format.

| Tracking Number | Subject | Date Published | Ref. Page | Type Action | Description | Suggested Actions |
|-----------------|----------------|----------------|--|-------------|---|-------------------|
| CA07312009-1 | Air | 07/31/2009 | CRNR 2009.31z, p. 1209 | Notice | Air Resources Board Spark-Ignition Marine Engine Regulations [13 CCR AMEND: 2111, 2112, Appendix A, 2139, 2147, 2440, 2441, 2442, 2443.1, 2443.2, 2443.3, 2444.1, 2444.2, 2445.1, 2445.2, 2446, 2447, 2474] Amends the California emissions regulations and test procedures that apply to spark-ignition marine engines and boats to provide greater compliance flexibility to the regulated industry for meeting California's emissions standards, and to provide greater alignment with related federal requirements recently adopted by EPA. Effective 08/16/2009. | |
| CA07312009-2 | Drinking Water | 07/24/2009 | CRNR 2009.30z, p. 1163 | Notice | Office of Environmental Health Hazard Assessment Antimony Public Health Goal (PHG) in Drinking Water Announces the availability of a draft technical support document for the proposed PHG for antimony in drinking water. Comments due 09/10/2009. | |

| Tracking Number | Subject | Date Published | Ref. Page | Type Action | Description | Suggested Actions |
|-----------------|----------------|----------------|---|-------------|--|-------------------|
| CA07312009-3 | Drinking Water | 07/24/2009 | CRNR 2009, 31z, p. 1209 | Notice | Office of Environmental Health Hazard Assessment Proposed Public Health Goal for Trihalomethanes in Drinking Water Announces a rescheduling of the public workshop and extension of the comment period on the proposed PHG for trihalomethanes in drinking water. Public workshop is scheduled for 08/13/2009. | |
| CA07312009-4 | Energy | 07/24/2009 | CRNR 2009, 30z, p. 1181 | Notice | California Energy Commission Amendments to Appliance Efficiency Regulations [20 CCR 1601, 1602, 1603, 1604, 1605.1, 1605.2, 1605.3, 1606, 1607, 1608] Updates the Commission's standards for the energy efficiency of appliances. New regulations adopt standards for metal halide luminaires, a voluntary test procedure for battery chargers, and a new requirement applicable to pool pump replacements. Effective 08/09/2009 | |
| CA07312009-5 | Energy | 07/24/2009 | CRNR 2009, 30z, p. 1181 | Notice | California Energy Commission Amendments to Appliance Efficiency Regulations—Lighting [20 CCR 1601, 1602, 1604, 1605.3, 1606.] Mandates the establishment of new efficiency standards for general purpose lighting by 12/31/2008; adopts accelerated effective dates for Tier I and Tier II lighting efficiency standards, and adopts efficiency standards for portable luminaires. Effective 08/09/2009. | |
| CA07312009-6 | SIP | 07/30/2009 | 74 FR 37948 | Final Rule | U.S. Environmental Protection Agency Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [40 CFR 52] Finalizes approval of revisions to the SJVUAPCD portion of the California SIP posted in the Federal Register on 06/08/2009 concerning VOC emissions from organic solvent cleaning and degreasing operations. Effective 08/31/2009. | |
| CA07312009-7 | Water Quality | 07/24/2009 | CRNR 2009, 30z, p. 1183 | Notice | State Water Resources Control Board Total Maximum Daily Load of Sediment, Middle Truckee River [23 CCR 3959.3] Amends the Water Quality Control Plan for the Lahontan Region (Basin Plan). This Basin Plan amendment establishes a TMDL for suspended sediment in the "middle Truckee River" (from the outlet of Lake Tahoe in Tahoe City to the California/Nevada state line). Filed 07/09/2009. | |

2.3 Colorado State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Colorado.

2.4 Florida State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Florida.

| Tracking Number | Subject | Date Published | Ref. Page | Type Action | Description | Suggested Actions |
|-----------------|---|----------------|-------------------------------------|----------------------------------|---|-------------------|
| FL07312009-1 | Recycling | 07/31/2009 | FAW Notice #7420517 | Proposed Rule | Chapter 62–FDEP 704–Certification of Resource Recovery Equipment Proposed amendments will include the following: <ul style="list-style-type: none"> Require that equipment be owned and operated by or exclusively on behalf of a local government Clarify that equipment must be installed and operational to qualify for the sales tax exemption Add equipment to the list of recycling equipment Several minor changes also are being made to update cross-references and correct grammar. Proposed text is provided in the FAW Notice . Comments due 08/21/2009. | |
| FL07312009-2 | Water Florida Oceans and Coastal Council | 07/24/2009 | FAW Notice #7390835 | Notice Meeting | Chapter 62–Florida Oceans and Coastal Council The Florida Oceans and Coastal Council will hold a public meeting to further its duties under the Oceans and Coastal Resources Act on 08/19/2009. | |
| FL07312009-3 | Water SJRWMD | 07/31/2009 | FAW Notice #7420226 | Notice Meeting | Chapter 40C–SJRWMD Announces a public meeting to discuss regulatory and non-regulatory matters, scheduled for 08/11/2009 in Palatka, Florida. | |
| FL07312009-4 | Water Surface Water Quality Standards | 07/31/2009 | FAW Notice #7421681 | Notice Rulemaking Development | Chapter 62–FDEP 302–Surface Water Quality Standards Proposes to establish a new, refined surface water classification system based on the recommendations of a previously established advisory committee known as the Designated Uses Policy Advisory Committee. A workshop will be held 08/18/2009 at FDEP, Temple Terrace, Florida. | |

2.5 Louisiana State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Louisiana.

2.6 Maryland State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Maryland.

| Tracking Number | Subject | Date Published | Ref. Page | Type Action | Description | Suggested Actions |
|-----------------|------------------------------|----------------|---|-------------|---|-------------------|
| MD07312009-1 | General Evaluation Report | 07/31/2009 | 36:16 Md.R. 1250 | Notice | Department of the Environment General In accordance with State Government Article, §§10-130—10-139, Annotated Code of Maryland, each state agency that adopts regulations must review those regulations every 8 years. This review is documented in an evaluation report. The most current Evaluation Report concerning chapters in COMAR 26.13 through 26.16 is available for public inspection and comment for a period of 60 days following the date of this notice. | |

2.6.1 Additional Information

For information on historical rulemakings, link to:

http://www.mde.maryland.gov/ResearchCenter/laws_regs/index.asp.

2.7 Mississippi State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Mississippi.

2.8 New Mexico State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in New Mexico.

| Tracking Number | Subject | Date Published | Ref. Page | Type Action | Description | Suggested Actions |
|-----------------|-------------|----------------|---|-------------|--|---|
| NM07312009-1 | Air Quality | 07/31/2009 | NM Register Vol. XX, p. 991 | Final Rule | New Mexico Environmental Improvement Board 20.2 NMAC Air Quality Revisions to the New Mexico Air Quality regulations as follow: ▪ Adopted: ▪ 20.2.77 NMAC —New Source Performance Standards Effective 8/17/2009. | WSTF should be aware of these changes to the New Mexico air quality rules. |
| NM07312009-2 | Air Quality | 07/31/2009 | NM Register Vol. XX, p. 991 | Final Rule | New Mexico Environmental Improvement Board 20.2 NMAC Air Quality Revisions to the New Mexico Air Quality regulations as follow: ▪ Adopted: ▪ 20.2.78 NMAC —Emission Standards for Hazardous Air Pollutants Effective 8/17/2009. | WSTF should be aware of these changes to the New Mexico air quality rules. |

| Tracking Number | Subject | Date Published | Ref. Page | Type Action | Description | Suggested Actions |
|-----------------|--------------------|----------------|--|-------------|---|---|
| NM07312009-3 | Air Quality | 07/31/2009 | NM Register Vol. XX, p. 991 | Final Rule | New Mexico Environmental Improvement Board 20.2 NMAC Air Quality Revisions to the New Mexico Air Quality regulations as follow: ▪ Adopted: ▪ 20.2.82 NMAC –Maximum Achievable Control Technology Standards for Source Categories of Hazardous Air Pollutants Effective 8/17/2009. | WSTF should be aware of these changes to the New Mexico air quality rules. |
| NM07312009-4 | Endangered Species | 7/22/2009 | 74 FR 36152 | Notice | U.S. Department of the Interior, Department of Fish and Wildlife Service Endangered and Threatened Wildlife and Plants; Notice of 90-day Petition Finding; New Mexico; [50 CFR Part 17] Announces a 90-day finding on a petition to list the White-sided Jackrabbit as an endangered species and to designate critical habitat under the Endangered Species Act of 1973. The Department of Interior is conducting further review in response to the petition, and is initiating a status review to determine if listing this species is warranted. The deadline for the public to provide feedback regarding this species is 09/21/2009. | WSTF should be aware of the Final Rule. |

2.9 Ohio State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Ohio.

2.9.1 Used Oil Burning in Space Heaters

On 24 July 2009, the [Division of Hazardous Waste Management](#), OEPA, announced the availability of a new guidance document, "[Burning Used Oil in a Space Heater–For Businesses.](#)" The document discusses such topics as restrictions on space heater designs; when used oil can be burned in a space heater; the used oil specification; when it is acceptable to burn used oil mixed with hazardous waste; and suggestions for testing the constituents in used oil.

2.10 Texas State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Texas. Citations of the *Texas Register* are linked within the text to the corresponding entry in the version of the *Texas Register*. Current and historical versions of the *Texas Register* can be downloaded from the [Texas Register section of the Texas Secretary of State website](#).

| Tracking Number | Subject | Date Published | Ref. Page | Type Action | Description | Suggested Actions |
|-----------------|---|----------------|---------------------------------|--------------|--|-------------------|
| TX07312009-1 | CAA Texas SIP–NOx Emissions Stationary Internal Combustion Engines and Gas Turbines | 07/31/2009 | 74 FR 38102 | Final Rule | U.S. Environmental Protection Agency Approval and Promulgation of Air Quality Implementation Plans; Texas; Control of Emissions of Nitrogen Oxides [40 CFR Part 52] Direct final action to approve revisions to the Texas SIP. Approves revisions to amend the Beaumont-Port Arthur 8-Hour Ozone Nonattainment Area Major Source rules, the HGB 8-Hour Ozone Nonattainment Area Major Source rules, and the HGB 8-Hour Ozone Nonattainment Area Minor Source rules. Adds flexibility and consistency to the current stationary reciprocating internal combustion engine and gas turbine monitoring specifications by allowing for an additional option for monitoring NOx emissions. Effective 09/29/2009 unless adverse comment received by 08/31/2009. | |
| TX07312009-2 | CAA Texas SIP–NSR and Banking and Trading Rules | 07/30/2009 | 74 FR 38015 | Notice | U.S. Environmental Protection Agency Proposed Consent Decree and Proposed Settlement Agreement, Clean Air Act Citizen Suit Notice of a proposed consent decree and proposed settlement agreement that resolve a lawsuit seeking to compel action by the EPA on certain SIP revisions submitted by the TCEQ. The SIP revisions involve Texas NSR air permitting and banking and trading rules. The proposed consent decree and proposed settlement agreement provide that EPA shall sign for publication in the Federal Register a notice of final rulemaking to approve or disapprove, in whole or in part, the SIP revisions by a specified deadline. Comments due 08/31/2009. | |
| TX07312009-3 | Water Quality Water Quality Fees | 07/24/2009 | 34 TexReg 4867 | Adopted Rule | Texas Commission on Environmental Quality Water Quality Fees [30 TAC §21.3] Increases maximum and minimum amounts that may be assessed for wastewater and aquaculture permits. Effective 07/30/2009. | |
| TX07312009-4 | Water Quality Water Quality Management Plan | 07/31/2009 | 34 Tex Reg 5195 | Notice | Texas Commission on Environmental Quality Notice of Availability of the Draft July 2009 Update to the Water Quality Management Plan Announces the availability of the draft July 2009 Update to the Water Quality Management Plan for the State of Texas . Comments due 08/30/2009. | |

2.10.1 TCEQ Expands Its Electronic Filing Options

TCEQ recently announced that electronically submitted filings will now be accepted by the agency's Office of the Chief Clerk. The [electronic option](#), previously only offered for rulemaking and comments on permits, is now available for filings in docketed matters before the commission.

2.11 Utah State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA-related operations in Utah.

| Tracking Number | Subject | Date Published | Ref. Page | Type Action | Description | Suggested Actions |
|-----------------|-----------------------------|----------------|---|------------------------|--|-------------------|
| UT07312009-1 | Air General Requirements | 08/01/2009 | UT Bull. Vol. 2009-15; DAR File No. 32783 | Notice of Continuation | UDAQ; Department of Environmental Quality General Requirements [UAC R307-101] Rule is under the 5-year review process. UDAQ has requested that the rule be continued because it defines many of the terms used throughout the State of Utah air quality regulations. | |

2.11.1 Western Climate Initiative

The WCI has released the "Offset Definition and Eligibility Criteria" white paper, which examines options for defining an offset, as well as options for each of the offset criteria required by the WCI Program Design Recommendations. WCI would like stakeholders to provide comments about the white paper between 24 July 2009 and 21 August 2009. The white paper is available for review at the WCI website: <http://www.westernclimateinitiative.org/news-and-updates/59-offset-definition-and-eligibility-criteria-white-paper-available-for-comment-724-821->. A stakeholder update call will take place on 20 August 2009. Further information regarding WCI meetings and events is located at the following link: [Events - Stakeholder Update Call](#).

2.12 Virginia State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Virginia. Citations of the [Virginia Register](#) (Va.R.) are linked to the appropriate volume of the Register, which is published in Adobe Acrobat (pdf) file format.

| Tracking Number | Subject | Date Published | Ref. Page | Type Action | Description | Suggested Actions |
|-----------------|---------------------------------------|----------------|----------------------------------|---------------|---|-------------------|
| VA07312009-1 | Fire Ant Quarantine | 07/20/2009 | 25:23 Va.R. 4225 | Notice | Quarantine Establishment-Commonwealth of Virginia Pursuant to § 3.2-703 of the Code of Virginia, the Commissioner of Agriculture and Consumer Services issued a temporary (90-day) quarantine relating to the imported fire ant. The quarantine is intended to prevent the spread of the imported fire ant to uninfested areas by regulating movement of materials that significantly threaten the transport of the imported fire ant. York County and the City of Hampton are included in the quarantine. Effective 07/24/2009. | |
| VA07312009-2 | Safety Boiler and Pressure Vessels | 07/20/2009 | 25:23 Va.R. 4221 | Proposed Rule | Safety and Health Codes Board 16 Virginia Administrative Code (VAC) 25-50 Proposes to update regulations to conform to the American Society of Mechanical Engineers, National Board of Boiler and Vessel Inspectors, and American Petroleum Institute standards. Also proposes to adjust administrative fees and provides increased safety measures. Comments due 09/18/2009. | |

| Tracking Number | Subject | Date Published | Ref. Page | Type Action | Description | Suggested Actions |
|-----------------|----------------------------------|----------------|---|-------------|--|-------------------|
| VA07312009-3 | Water Drinking Water | 07/20/2009 | 25:23 Va.R. 4225 | Notice | Virginia Department of Health Office of Drinking Water The Draft Intended Use Plan for the Drinking Water State Revolving Fund is available for review. Comments due 08/21/2009. | |
| VA07312009-4 | Water Water Quality Standards | 07/20/2009 | 25:23 Va.R. 4189 | Final Rule | State Water Control Board 9VAC25-260-275 Adds regulations specific to VPDES permits on the Eastern Shore of Virginia. If discharges result in shellfish condemnation, the facility must evaluate wastewater management alternatives. Effective 08/20/2009. | |